

REMARKS

This paper responds to the final office action dated July 2, 2007. Reconsideration is hereby requested in view of these remarks. A request for continuing examination accompanies this response.

1. Status of the Claims

Claims 25-26, 29-34 and 37-40 remain pending in this application. Claims 25, 26, 30, 33, 34 and 38 are currently amended. Claims 27-28 and 35-36 are cancelled, without prejudice. The prior rejections over Kamijo and Cranfil have now been withdrawn. Independent claims 25 and 33 were rejected under 35 U.S.C. 102(e) as being anticipated by Kraft (US 2002/0107009). This rejection is traversed for the reasons set forth herein. Applicants also specifically traverse the other 102(e) claim rejections over Kraft, as well as the 103 rejections over Kraft in view Schmidt or Kraft in view Shimizu.

2. Kraft does not anticipate independent claims 25 or 33

Claim 25 recites a method of processing a voice call at a mobile device *having a first speaker and a second speaker, the first speaker for use in a handset mode of operation in which the mobile device is placed in close proximity to a user's ear and the second speaker for use in a handsfree mode of operation, the second speaker capable of generating a larger acoustic output signal than the first speaker*. The method of claim 25 comprises the acts of: (1) storing a safe volume profile at the mobile device associated with the handsfree mode of operation, *the safe volume profile providing a default volume setting for the second speaker which is selected to reduce the risk of damage to a user's hearing if the mobile device is operated in close proximity to the user's ear while in the handsfree mode of operation*; (2) answering an incoming call with the mobile device in the handset mode of operation according

to a regular volume profile that is higher than the default volume setting of the safe volume profile; (3) *switching the mobile device from the handset mode of operation to the handsfree mode of operation while processing the incoming call*; and (5) *operating the mobile device in the handsfree mode of operation according to the safe volume profile so as to protect the hearing of the mobile device user*.

As clearly seen in claim 25, the purpose of the method is to protect the hearing of a mobile device user when the mobile device is switched from the handset mode of operation to a handsfree mode of operation, thereby switching the mobile device from using the first speaker to the second speaker, where the second speaker is capable of producing a larger acoustic output signal than the first speaker which may cause damage to the user's hearing if the mobile device is placed in close proximity to the user's ear. For example, as described at paragraphs [0021] and [0024] of the publication of the present application (US 2005/0026568), the mobile device may include a receiver (*i.e.*, a first speaker) which has a limited volume setting and is generally not suitable for handsfree operation as it is designed to be placed in close proximity to the user's ear, and the mobile device may also have its own speakerphone device including a loudspeaker (*i.e.*, a second speaker) that generates a larger acoustic output signal than the receiver so that the user can hear the call even when the mobile device is placed away from the user's ear. It is in this "handsfree" or "speakerphone" mode of operation that the method of claim 25 is directed, and in particular is designed to protect the hearing of the user when the user switches the mobile device from the handset mode of operation to the handsfree mode of operation during a call and thereby activates the second speaker.

More specifically, the method of claim 25 defines a "safe volume profile" that is associated with the handsfree mode of operation, and which stores a default volume setting

selected to reduce the risk of damage to the user's hearing if the mobile device is operated in close proximity to the user's ear – *i.e.*, the speakerphone's loudspeaker is at or near the user's ear. Then, when an incoming voice call is received and processed by the mobile device in a handset mode of operation, the mobile device is set to a regular volume profile that is higher than the default volume setting of the safe volume profile, the regular volume profile being more suited for use when the mobile device is placed in proximity to the user's ear – *i.e.*, with the receiver speaker providing its limited volume output. If the mobile device is then switched to the handsfree mode of operation while processing the incoming call, the device will be automatically switched to the safe volume profile in order to protect the hearing of the mobile device user.

Kraft does not teach this methodology. First, Kraft isn't even directed to protecting the hearing of a mobile device user. There is simply no disclosure whatsoever in Kraft that relates to a method of reducing the risk of damage to a user's hearing when operating a mobile device, nor is there any discussion in Kraft of a mobile device having first and second speakers for use in different operating modes, wherein one of the speakers is capable of generating a larger acoustic output. In addition, because Kraft does not disclose a loudspeaker integral to the mobile device, it therefore has no teaching of a "safe volume profile" for operating the handsfree device. And finally, there is no discussion in Kraft of switching the mobile device between two distinct modes of operation, while processing an incoming call, and then automatically operating the mobile device at the safe volume profile to protect the user's hearing.


The portions of Kraft relied upon in the final office action – paragraphs 0036, 0037, 0005, 0022, table 1 and Figure 2 – collectively teach a portable phone having multiple modes of operation in which the sound volume can be programmed at five distinct levels. Although mentioning a "hands-free" capability in paragraph 0022, this does not appear to be a

speakerphone type connection but rather a head set mode of operation. What's missing from these portions of Kraft is any discussion of protecting the user's hearing by switching the mobile device to a safe volume profile setting upon selecting the handsfree mode of operation and also of doing this while processing the incoming voice call. Without this teaching, Kraft does not anticipate claim 25 and therefore the rejection under 35 U.S.C. 102(e) should be withdrawn.

Independent claim 33 and the remaining dependent claims are likewise distinguishable from Kraft.

This application is now in condition for allowance.

Respectfully submitted,
JONES DAY

A handwritten signature in black ink that reads "David B. Cochran". The signature is written in a cursive style with a horizontal line underneath the name.

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